

REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

Objection

The declaration filed on October 12, 2001, has been objected to by the Examiner for failing to state that the person making the declaration acknowledges the duty to disclose to the United States Patent and Trademark Office (hereinafter "Patent Office") all information known to the person to be material to patentability as defined in 37 C.F.R. § 1.56. A substitute declaration conforming with the requirements of the Patent Office and executed by the inventor, which contains the duty to disclose statement, was filed with the USPTO on December 13, 2004, and is attached hereto as Attachment 1. Accordingly, withdrawal of this objection is respectfully requested.

Drawings

Applicant hereby submits eight replacement drawing sheets for Figures 1-7 as Attachment 2, and asks that these replacement drawing sheets be accepted by the Examiner as Formal. The drawing sheets are being replaced to remove inconsistencies in previously submitted figures. No new matter has been added by way of these replacement drawing sheets.

IN THE DRAWINGS:

Applicant hereby submits eight replacement drawing sheets for Figures 1-7,
and asks that these replacement drawing sheets be accepted by the Examiner as Formal.
No new matter has been added by way of these replacement drawing sheets.

Disposition of Claims

Claims 1-27 are pending in the present application. Claims 1, 10, and 19 are independent. The remaining claims depend, directly or indirectly, from claims 1, 10, and 19.

Claim Amendments

Claims 1, 2, 6, 9, 10, 15, 18, 19, and 21 have been amended to clarify the present invention. No new matter has been added by way of these amendments as support for these amendments may be found, for example, on page 6, lines 4-6, page 12, lines 3-9, and page 13, lines 3-9 of the present application.

Rejection(s) under 35 U.S.C § 101

Independent claim 1 was rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claim 1 has been amended to recite that tokens are generated from a source program at runtime using a computer system. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Claim 1 as amended is directed towards statutory subject matter by setting forth physical structures comprising hardware or a combination of hardware and software within the technological arts (*i.e.*, a computer system) to produce a “useful, concrete and tangible” result. Specifically, entries are obtained, a source program is analyzed, and tokens are generated at runtime using a computer system. Further, at runtime, the lexical analyzer (executing on the computer system) recognizes the new or added tokens of various languages and generates a subset of the tokens. This subset of tokens allows a

single lexical analyzer to provide analysis of multiple languages during runtime while avoiding redesign.

Accordingly, amended claim 1 is now directed towards statutory subject matter and is allowable. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 102

Claims 1-27 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,926,814, issued to Fridman *et al.* (hereinafter "Fridman"). Claims 1, 10, and 19 have been amended in this reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

The Examiner asserts that Fridman teaches a method of converting a software program into one or more tokens by obtaining one or more entries, analyzing the source program, and generating tokens from the program. Applicant respectfully disagrees. Fridman discloses a system for selectively modifying date fields from one calendar type to another calendar type for solving the Year 2000 Problem (*see* abstract; col. 2, lines 5-9 of Fridman). The source code of an application is analyzed to determine the location of each date field, and the dates therein (and the fields, if necessary) are modified to a 3-digit format for the year of a given date (*see* col. 3, lines 46-60 of Fridman). Thus, source code is modified, when necessary, so that date fields unable to accept three-digit year

data are replaced with date fields having enough space to store three-digit years.

Fridman teaches a device that analyzes source code in a lexicon module, which is a program that defines words, identifiers, special characters, and constants from the source code. However, Fridman does not teach or disclose generating tokens from the source program, wherein the entries (previously obtained) may be used to generate *a subset* of the tokens, as asserted by the Examiner. Additionally, the device of Fridman operates based on a *predefined* set of terms to be analyzed (*see* column 4, lines 38-47 of Fridman), as opposed to the Examiner's assertion of one or more entries, which include a variety of *undefined* terms.

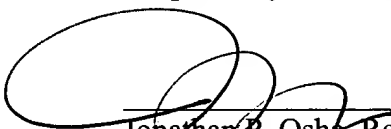
Thus, Fridman fails to show or suggest every limitation of the present invention as recited in amended claim 1. Thus, claim 1 as amended is patentable over Fridman. Claims 10 and 19, having been rejected for the same reasons as claim 1 and including essentially the same subject matter as claim 1, are also patentable over Fridman. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/096001; P5942).

Respectfully submitted,

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